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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,772	04/06/2001	David Girouard	VIRAGE.028A	7368

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EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/827,772

Applicant(s)

GIROUARD ET AL.

Examiner

Bharat N. Barot

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 and 23-28 is/are allowed.
- 6) ☒ Claim(s) 17-22 and 29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/22/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. Claims 1-23 and new claims 24-32 remain for further examination.

The old rejection maintained

2. Applicant's arguments with respect to claims 11-23 filed on November 23, 2005 have been fully considered but they are not deemed to be persuasive for the claims 17-22. The rejection is respectfully maintained as set forth in the last Office Action mailed on June 20, 2005.

Drawings

3. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 112

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 17-23 and 29-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 is missing the destination of the video content and the video elements. Claim 17 contains the steps of the method, which are unclear about the locations. Claim 17 line 6, which is unclear about the location of the video elements.

Claim 23 contains "The method..." in line 1. There is insufficient antecedent basis for this limitation in the claims 1 and 23.

As a result, the above remarks make claims 17 and 23 indefinite.

Other dependent claims, which are not specifically cited above are also rejected because of the deficiencies of their respective parent claims.

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 17-22 and 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Jain et al (U.S. Patent No. 6,567,980). Jain's patent meets all the limitations for claims 17-22 and 29-32 recited in the claimed invention.

8. As to claim 17, Jain et al teach a method for hosting of video content over a network (figure 1; column 2 lines 5-39; and column 3 line 50 to column 4 line 9) comprising: providing video content from a video content source for video processing (figure 1; and column 3 lines 52-60); encoding the video content; indexing the video content to generate a video index (figure 1; column 4 lines 1-4; and column 5 line 61 to

column 6 line 25); providing video elements for incorporation in a content owner network site (figure 1; column 4 lines 5-18; and column 5 lines 18-60); and delivering the encoded video to a user via a network based on user selection (figure 1; and column 13 lines 4-11 and 21-28); the video content is delivered from a remote location (source) to the location where the video content is encoded and indexed (system 100), and the content owner network site (client computer/network mass storage device visible to the client computer) is also remote from the location where the video content is encoded and indexed (system 100) (figure 1; column 3 line 50 to column 4 line 9; and column 13 lines 4-11 and 21-28).

9. As to claim 18, Jain et al teach that the network comprises a content distribution network (column 1 lines 60-63; and column 5 lines 53-60).

10. As to claim 19, Jain et al teach that the storing the video index in a database (figure 7; and column 7 lines 15-36).

11. As to claim 20, Jain et al teach that the content owner network site includes a content owner website (figure 1; and column 4 lines 5-18; and column 13 lines 4-11 and 21-28).

12. As to claim 21, Jain et al teach that the video elements include HTML instructions; (figures 1 and 15; column 3 line 50 to column 4 line 18; and column 12 line 60 to column 13 line 33).

13. As to claim 22, Jain et al teach that providing search results information (figures 16-17; and column 13 line 35 to column 15 line 10).

14. As to claims 29-31, Jain et al teach that providing video content from a video content source comprises providing one or more computer files electronically, one or more physical copies of the content, and a broadcast signal (figure 3; and column 4 line 43 to column 5 line 15).

15. As to claim 32, Jain et al teach that the video content source comprises a content owner facility (figure 3; and column 4 line 43 to column 5 line 15).

Allowable Subject Matter

16. Claims 1-16 and 23-28 are allowable over the cited prior art of record.

Response to Arguments

17. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

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18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

Art Unit 2155

February 07, 2006



**BHARAT BAROT
PRIMARY EXAMINER**